

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 13, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: DIR-35233

**** CONDITIONS ****

STAFF RECOMMENDATION: NO RECOMMENDATION

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a progress report by the Planning & Development Department regarding the status of Resolutions of Intent and zoning/land use conflict corrections.

ANALYSIS:

RESOLUTIONS OF INTENT:

The City Council approved a text amendment (TXT-19240) in 2007, which revised the process of having the council adopt a Resolution of Intent (ROI) prior to effectuating the zoning for parcels as part of the rezoning process. The ROI process is no longer utilized for parcels that have been rezoned since July 2007.

However, there still remain 484 parcels that are under an ROI, which were approved prior to the July 2007 text amendment. Staff has begun the process of resolving the remaining ROIs by taking the following actions:

1. Expired 34 ROIs where no development had occurred by the specified expiration date.
2. Requested that the City Attorney prepare an Ordinance which would officially rezone 194 parcels which had been developed in accordance with the conditions of approval. This Ordinance was approved by City Council on July 1, 2009.
3. Identified 171 parcels which have an ROI with an active expiration date but no development. Staff is tracking these parcels and will request that the City Attorney Office ordinance them if they are developed in accordance with the conditions of approval. If they are not developed, and the ROI is not extended, the ROI will expire.

This process leaves 85 parcels with ROI's and no expiration date. As a first step toward resolving the status of these parcels, staff has divided them into three categories, described as follows:

1. ORDINANCE

This group consists of 66 parcels where the ROI zoning classifications are consistent with the existing pattern of development, and it is staff's opinion that compatibility with adjacent parcels can be achieved through the Site Development Plan Review process. Staff is compiling the necessary information so that the City Attorney can prepare an Ordinance which would officially rezone the parcels.

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2. MAINTAIN THE ROI

There are 15 undeveloped parcels with an ROI where the “original” zoning classifications are no longer consistent with the surrounding pattern of development. Consequently, reverting to the original zoning classification is no longer appropriate for the surrounding neighborhood. Staff will further investigate the proper zoning for those parcels as part of the zoning/land use conflict evaluation, but will maintain the ROI status until such resolution is accomplished.

3. RESCIND THE ROI

This group consists of four parcels where the ROI zoning classifications are not consistent with the surrounding pattern of development, and it is staff’s opinion that the appropriate course of action is to rescind the ROIs, which would revert the parcels back to their original zoning classification. However, because these ROIs were approved without an expiration date, staff is required to schedule any rescission as a public hearing before the City Council, as required by Chapter 19.18.040(O)(4) of the zoning code. The code requires council to schedule a hearing on the matter, and may rescind the ROI or change the conditions of approval. Furthermore, the code states that council may stipulate a time limit for exercising the approval of the rezoning.

ZONING/LAND USE CONFLICT EVALUATION:

Staff is currently comparing the General Plan Land Use Maps and the Zoning Map, and has identified 7,738 parcels with zoning that is inconsistent with the land use designation. A preliminary review of these inconsistencies indicates that almost all of the affected parcels can be categorized into one of three groups:

1. Mapping errors. An example of this would be a General Plan designation inadvertently applied to right-of-way. Staff can resolve these types of errors administratively.
2. Undeveloped parcels. The majority of these parcels are located in the Centennial Hills Sector, have a General Plan designation of PCD, and are currently zoned R-E (Residence Estates). The PCD General Plan designation supports the PD (Planned Development) and R-PD (Residential Planned Development) zoning classification, both of which require development standards to be submitted in conjunction with a rezoning application. Because these properties cannot be developed without approved development standards in place, it is appropriate to use the R-E zoning as a temporary classification until the property is ready for development for a more permanent use. As such, no action should be taken relative to these parcels at the present time.

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3. Developed parcels. The majority of the developed parcels with inconsistent Land Use and Zoning designations received their zoning entitlement prior to the adoption of the 1992 General Plan. Prior to the adoption of that Plan, there was no requirement that a zone change approval comply with the General Plan. Staff is in the process of identifying all the developed parcels where this situation exists and determining where General Plan Amendment or Rezoning applications are necessary. Staff anticipates having the first set of applications ready for consideration as public hearings before the Planning Commission and City Council in early 2010.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

ASSEMBLY DISTRICT

SENATE DISTRICT

NOTICES MAILED

NEWSPAPER ONLY

APPROVALS

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PROTESTS

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